

Margaret M. Fox

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August 28, 2013

Ms. Jocelyn Boyd Chief Clerk and Administrator South Carolina Public Service Commission Synergy Business Park, The Saluda Building 101 Executive Center Drive Columbia, South Carolina 29210

Re: Application of Anderson Telephone, Inc. for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services in the State of South Carolina

Docket No. 2013-267-C

Dear Ms. Boyd:

Enclosed for filing on behalf of the South Carolina Telephone Coalition please find a Stipulation in the above-referenced matter. A copy of this Stipulation has been forwarded by the U. S. Postal Service to all parties of record.

Please let me know if you have any questions regarding this filing.

Very truly yours,

McNAIR LAW FIRM, P.A

Mayart M. Fox

MMF:rwm Enclosures

cc: Parties of Record

McNair Law Firm, P. A. 1221 Main Street Suite 1600 Columbia, SC 29201

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#### **BEFORE**

### THE PUBLIC SERVICE COMMISSION

## OF SOUTH CAROLINA

Docket No. 2013-267-C

Re:	Application of Anderson Telephone, Inc. for	r )	
	a Certificate of Public Convenience and	)	
	Necessity to Provide Resold and Facilities-	)	
	Based Local Exchange and Interexchange	)	STIPULATION
	Telecommunications Services in the State	)	•
	of State of South Carolina	)	•
		)	

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and Anderson Telephone, Inc. ("Anderson Telephone") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, SCTC does not oppose Anderson Telephone's Application. SCTC and Anderson Telephone stipulate and agree as follows:

- 1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to Anderson Telephone, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.
- 2. Anderson Telephone stipulates and agrees that any Certificate which may be granted will authorize Anderson Telephone to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.

- 3. Anderson Telephone stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.
- 4. Anderson Telephone stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and until Anderson Telephone provides such rural incumbent LEC and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, Anderson Telephone acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.
- 5. Anderson Telephone stipulates and agrees that, if Anderson Telephone gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, and either (a) the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law within such 30-day period, or (b) the Commission institutes a proceeding of its own, then Anderson Telephone will not provide service to any customer located within the service area in question without prior and further Commission approval.
- 6. Anderson Telephone acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such

proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.

- 7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs and Anderson Telephone, and this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.
- Anderson Telephone agrees to abide by all State and Federal laws and to 8. participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.
- Anderson Telephone hereby amends its application in this docket to the extent 9. necessary to conform with this Stipulation.
- Notwithstanding any provision contained herein, the terms, conditions and 10. limitations of this Stipulation apply only in those instances where a rural telephone company's federal rural exemption under 47 U.S.C. §251(f)(1) is implicated.

AGREED AND STIPULATED to this 27th day of August

2013.

Anderson Telephone, Inc.

South Carolina Telephone Coalition

Jeremy Q. Hodges, Esquir

Nelson Mullins Riley &

Scarborough LLP

1320 Main Street, Meridian, 17th Flr.

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Attorneys for Applicant Anderson

Telephone, Inc.

M. John Bowen, Jr.

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Attorneys for the South Carolina Telephone Coalition

## ATTACHMENT A

South Carolina Telephone Coalition Member Companies for Purposes of Local Service Stipulation

Chesnee Telephone Company
Chester Telephone Company
Farmers Telephone Cooperative, Inc.
Ft. Mill Telephone Company
Home Telephone Company, Inc.
Lancaster Telephone Company
Lockhart Telephone Company
McClellanville Telephone Company
Norway Telephone Company
Palmetto Rural Telephone Cooperative, Inc.
Piedmont Rural Telephone Cooperative, Inc.
Pond Branch Telephone Company
Ridgeway Telephone Company
Rock Hill Telephone Company

West Carolina Rural Telephone Cooperative, Inc.

Sandhill Telephone Cooperative, Inc. St. Stephen Telephone Company

Williston Telephone Company

#### **BEFORE**

# THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Docket No. 2013-267-C

Re:	Application of Anderson Telephone, Inc. for	)	
	a Certificate of Public Convenience and	)	
	Necessity to Provide Resold and Facilities-	)	
	Based Local Exchange and Interexchange	)	CERTIFICATE OF
	Telecommunications Services in the State	)	CERTIFICATE OF
	of South Carolina	)	SERVICE
		_)	

I, Rebecca W. Martin, do hereby certify that I have this date served one (1) copy of the foregoing Stipulation upon the following parties of record by causing said copy to be deposited with the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as follows:

Jeremy C. Hodges, Esquire Nelson, Mullins, Riley & Scarborough, LLP 1320 Main Street, Meridian, 17<sup>th</sup> Floor Columbia, South Carolina 29201

C. Lessie Hammonds, Esquire Office of Regulatory Staff 1401 Main Street, Suite 900 Columbia, South Carolina 29201.

Rebecca W. Martin, Legal Assistant

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Columbia, South Carolina 29211

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August 28, 2013

Columbia, South Carolina